# REALTY TRANSFER CERTIFICATE CONFIDENTIAL TAX DOCUMENT

WHO MUST FILE: Any party transferring real property regardless of whether the transfer is or is not evidenced by deed or instrument or any party presenting an instrument or deed evidencing a transfer of real estate for recordation. Real estate includes land, growing timber, buildings, structures, fixtures, fences, and improvements affixed to land.

**YOU MAY OWE INCOME TAXES:** Any gain on this transfer is Montana source income and should be reported to the Department of Revenue on the appropriate income tax return.

#### WHEN AND WHERE TO FILE:

The completed Realty Transfer Certificate must be filed with the County Clerk & Recorder when the instrument or deed evidencing a transfer of real estate is presented for recording.

If the transfer is by operation of law, then a Realty Transfer Certificate with the required supporting documentation should be filed with the local Department of Revenue Office where the property is located. Please see Part 4 for further detailed information.

The Department of Revenue will change the ownership record when this form is fully and accurately completed and signed.

#### PART 1 - DATE OF TRANSFER (SALE)

This should be the date on which the instrument or deed was executed (the date the instrument or deed was signed by the Seller (Grantor) and Buyer (Grantee) unless otherwise specified in the deed or date of decedent's death). Contracts for Deed and Notices of Purchaser's Interest should use the date the contract or notice was initially signed, not the date the contract was finalized.

#### PART 2 - PARTIES

**Seller (Grantor)/ Buyer (Grantee):** Enter the names of the seller (grantor) and buyer (grantee) exactly as they appear on the transferring document. Business organizations, corporations, trusts, etc. should enter their name(s) exactly as it appears on the transferring document.

**Addresses:** For the seller (grantor) enter the current mailing address. For the buyer (grantee) enter the permanent mailing address. If the tax notice is to be sent to a different mailing address, please complete the additional mailing information.

SSN or FEIN: For individuals, list the social security number of all legal owners named in the transferring document. Business organizations, corporations, trusts, etc. list the federal ID number(s) of the legal entity(ies) named in the transferring document, § 15-1-301, MCA and 42 USC § 405(c)(2)(C)(i)(iv). The Department of Revenue utilizes personal identification numbers to cross match Realty Transfer Certificates with income tax returns to ascertain taxpayer compliance on gains from real estate sales or transfers and to identify delinquent taxpayers. Additional SSN or FEIN numbers may be provided on an attachment.

Daytime Phone: Enter phone numbers for both the seller (grantor) and buyer (grantee).

### PART 3 - PROPERTY DESCRIPTION

This section identifies the parcel that is being transferred by location and is the legal description found on the instrument or deed conveying the real estate or the abstract to the real estate.

The property description may be provided on an attachment, and be identified by checking the applicable box.

## PART 4 - TYPE OF TRANSFER (Please refer to "When and Where to File" above.)

Transfer by Recorded Instrument: Check the box(es) that apply to the type of transfer for which an instrument has been recorded with the County Clerk and Recorder.

**Transfer by Operation of Law:** Check the box(es) that apply to the type of transfer. A copy of the following applicable documentation must be attached to the Realty Transfer Certificate.

- Termination of Joint Tenancy by Death death certificate and deed that created the joint tenancy with right of survivorship.
- Court Decree -
  - Personal Representative, Special Administrator or Public Administrator death certificate, order of appointment and letters of administration and an affidavit that their appointment has not been terminated.
  - Conservator Order of Appointment and letter of conservatorship or copy of the order terminating the conservatorship.
- Merger, consolidation or other business reorganization plan of reorganization.
  - Name change only documents filed with the Secretary of State to accomplish the name change.

# PART 5 – EXCEPTION FROM PROVIDING SALES PRICE INFORMATION

If any of the exceptions listed apply to this transfer, please check the appropriate line and do not complete Section 6. If you are unsure whether this transaction should be defined as an exception, or if you have any other questions concerning exception status, please request a determination from your local Department of Revenue Office.

PART 6 - SALE INFORMATION (If there is no exception checked in Part 5, you must complete this section.)

# CONFIDENTIALITY: Sale information is confidential and only for official use by the Department of Revenue.

Enter the total purchase price paid for the sale parcel. This should include cash, mortgages, property traded, liabilities assumed, leases, easements and personal property.

**Financing:** if you paid cash for the entire sale parcel, check the box in front of Cash. If you financed the property by receiving a loan indicate the type by checking the appropriate box; Federal Housing Administration (FHA) Loan, Veterans Administration (VA) Loan or Conventional. If this was a contract for deed or trust indenture, indicate by checking the box in front of Contract. If there was some other type of financing used such as a Montana Board of Housing Loan, trade of property, etc. please indicate by checking the box in front of Other. Also, indicate whether this was a new loan or an assumption of an existing loan.

**Personal Property:** Enter the dollar amount of any personal property included with the sale of this parcel. Personal property includes furniture and fixtures, business and farm equipment, livestock, recreational vehicles, leases and easements, and mobile homes. Anything that is permanently attached to the real estate should not be included. Negligible personal property included in a residential sale need not be reported.

SID (Special Improvement District – liens levied against the property for amenities like street paving, sewers, water systems, etc.): Please answer the questions by checking the appropriate boxes, also include the amount of the SID paid or assumed.

Value of Inventory: Please provide the value of any business inventory that was included in the sales price.

Value of Licenses: Please provide the value of any licenses included in the sales price i.e. liquor licenses, gambling licenses, etc.

Value of Good Will: Please provide the value of Good Will included in the sale price. (Good Will is defined as "the economic advantage over competitors that a business has acquired by virtue of habitual patronage of customers".)

PART 7 – WATER RIGHTS DISCLOSURE – This disclosure must be completed and signed by the seller or the seller's legally appointed agent. Refer to the back of this page (page 2) for further information about the disclosure.

# PART 8 - PREPARER INFORMATION

All Realty Transfer Certificates must be signed and dated by the preparer. By his/her signature the preparer indicates the information provided is true and correct to the best of his/her knowledge, that the seller (grantor) and the buyer (grantee) have examined the completed Realty Transfer Certificate and agree the information contained within is correct and accurate.

# WATER RIGHT DISCLOSURE INFORMATION

The Water Right Disclosure is required by Montana Law. Legislators decided it is important for both the buyer and seller of property to know what the water right situation is — whether any water rights exist, and whether they are being transferred with or withheld from the property.

A water right is a legally protected right to beneficially use water in priority that was obtained in accordance with Montana law. Buyers should be careful to investigate whether water being used on a piece of property amounts to a valid water right, or is merely an unauthorized and unprotectable use of water. In Montana all irrigation water rights must have a valid DNRC water right number to be of record. However, existing rights for livestock and individual domestic, as opposed to municipal uses, based on an instream flow or groundwater source before July 1, 1973, do not need a DNRC water right number. If a water right does not have a DNRC number, and does not fall within the above narrow exception, then there is no water right.

Once the water rights appurtenant to a piece of property have been identified, the investigation of water right should not stop there. Although a water right may have a valid DNRC water right number, it may still be subject to final adjudication in Montana's general stream adjudication. The Montana Water Court is currently adjudicating all Statements of Claim for pre-July 1, 1973, water rights. How good a water right is depends on how it comes out of the adjudication, and how its priority compares to other water rights on a source of supply. You may need to consult an attorney or water rights consultant for an opinion as to the status of that water right. The Montana Water Court can answer questions about the current status of Statements of Claim being adjudicated by calling 1-800-624-3270 (in state) or 406-586-4364.

If there are water rights which have been historically used on the property being transferred, but are not going to be transferred in the sale of land, the deed must specifically reserve those water rights. Otherwise, if the deed is silent, the water rights automatically pass with the land by operation of law.

The following descriptions may be of some help in determining which box to mark in Part 6, Water Rights Disclosure. If further assistance is needed, you may want to seek legal advice.

- Seller (Grantor) has water rights on record with DNRC and some or all transfer to Buyer means there are water rights on file with the Department of Natural Resources & Conservation that apply to the land being sold. Either some or all of those water rights will transfer to the buyer. An Ownership Update form (Form #608) must be filed to update the ownership of the water right. Use the buff colored form attached to this RTC packet or the form can be found on the Internet at http://www.dnrc.mt.gov/wrd/water\_rts/wr\_general\_info/wrforms/wr\_forms.asp.
- Seller (Grantor) does not have water rights on record with DNRC means that there are no water rights on file with the Department of Natural Resources & Conservation that apply to the land being sold. If water is used on the land, please contact your local regional office for assistance.
- Seller (Grantor) is exempt from this disclosure requirement means the seller is exempt from the Water Right disclosure requirement because the property is served by a public water supply or the deed was in escrow prior to January 1, 1998.

Contact the DNRC for information if water is used on the property other than described above.

# **REALTY TRANSFER CERTIFICATE CONFIDENTIAL TAX DOCUMENT**

GEOCODE(S)	
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ASSESSMENT	CODE(S)

	n contained in this certifi nauthorized disclosure c criminal offense.		ASSESS	MENT CODE(S)	
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Mailing Address for Tax Notice				other Representative:	
(if different)	City			Minor SSN	
PART 3 - PROPER	RTY DESCRIPTION I	Please complete fully, if a	additional s	pace is required, please attach a se	eparate page.
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PART 4 - ITPE OF	TRANSFER Please	Transfer by Reco			
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# **REALTY TRANSFER CERTIFICATE CONFIDENTIAL TAX DOCUMENT**

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PART 3 - PROPER	RTY DESCRIPTION	Please cor	nplete fully, if a	dditional space is	required, please attach a	a separate page.	
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Form 608 Revised 7/06

Coder

For Complete Information. See File

# **DNRC WATER RIGHT**

File in WR #: _	
GEOCODE(S)	
ASSESSMENT	CODE(S)

OWN	NERS	SHIP	UPDAT	Έ	ASSESSMENT CODE(S) _			
PART 1 - DATE (		R (SALE)	()		IMPORTANT INFOR		Assessment Code	Main Geocode:
PART 2 - PARTII	ES Ple	ase complete	this section in full	l, if additi	onal space is required, pleas	se attach a separate page.	nent o	ocod
SELLER (Grant	-						Code	Б.
	•						Q	
(Permanent)					Davtime Pho	ne	Parcel	
	City		ST	Zip _			<u> </u>	
BUYER (Grante Name	•							
(Permanent)					Davtime Pho	ne		
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Mailing Addres for Tax Notice								
(if different)			ST					
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							chmen	t 🗆
Add/Sub				_Block _		_ Lot		
					Section			
☐ Groun ☐ Provis ☐ Exem ☐ Powde ☐ Other   SELLER instrume identifie	d Water Ce sional Permi pt Right No. er River Dec  (person rel nt showing of d as the wa	rtificate No. t No. claration No. inquishing the	ne water right): If a	all seller	's signatures are not availa eller to the buyer. <b>If the s</b> o <b>Is, attach copies of the r</b>	able, attach a copy of the eller listed is not the pe	record	
□ Yes	□ No		-	00% of th	ne seller's interest in the w	ater rights shown above?	If no.	
			a map showing b			<u> </u>	,	
□ Yes	□ No □	NA If the s water r		ct for de	ed, does the seller want to	remain listed as an owne	er of th	те
Seller Si	gnature:				Date:			
					Date:			
					THE DNRC CONTACT?			
Name _			Addr	ess		Phone #		
FOR DEPART	MENT USE	ONLY				Date Rec'd		
Fee Rec'd	CI	heck No.	TLMS I	Receipt I	Nbr.			
Payor								
Refund		Date				Rec'd By		

OUID#

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# DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND MONTANA WATER COURT

# IMPORTANT INFORMATION

- Montana law requires this form be filed by the seller within 60 days after recording a change in ownership of real property which has water rights on record with the DNRC.
- > **Do not** file this form if your **only** use of water is from an irrigation district, municipal system, water users association, or other public water supply.
- Water rights in Montana, including *all irrigation water rights*, must have a valid DNRC water right number to be of record. However, existing rights for livestock and individual domestic as opposed to municipal uses based on an in stream flow or groundwater source appropriated before July 1, 1973, do not need a DNRC water right number. If the water use does not have a DNRC water right number and does not fall within the above narrow exception, then you do not have a water right. Contact the DNRC for information on how to acquire a water right.

Described below is further explanation of exempt rights or water rights which are valid without a DNRC water right number. A DNRC water right number is not required for the following if the use began:

- > prior to January 1, 1962: groundwater used for individual domestic use, as opposed to municipal use;
- prior to January 1, 1962: groundwater used for stock;
- between January 1, 1962 through June 30, 1973: groundwater used for stock or domestic purpose **and** a GW1, GW2, or GW3 form is properly filed in the courthouse; or
- prior to July 1, 1973: instream surface water used for stock or domestic purposes.

If a water right does not have a DNRC number, and does not fall within the above exceptions, then there is no water right.

## IF YOU HAVE QUESTIONS CALL YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

**BILLINGS** 

Airport Business Park 1371 Rimtop Drive Billings, MT 59105-1978 Phone: 406-247-4415

Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and

Yellowstone Counties

**BOZEMAN** 

2273 Boot Hill Court, Suite 110 Bozeman, MT 59715 Phone: 406-586-3136

Gallatin, Madison, and Park Counties

**GLASGOW** 

222 Sixth Street South

PO Box 1269

Glasgow, MT 59230 Phone: 406-228-2561

Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

**HAVRE** 

210 Sixth Ave

Havre, MT 59501-1828 Phone: 406-265-5516

Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton,

and Toole Counties

**HELENA** 

1424 Ninth Ave PO Box 201601

Helena, MT 59620-1601 Phone: 406-444-6999

Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and

Clark, Powell, and Silver Bow Counties

**KALISPELL** 

109 Cooperative Way, Suite 110 Kalispell, MT 59901-2387 Phone: 406-752-2288

Flathead, Lake, Lincoln, and Sanders Counties

**LEWISTOWN** 

613 NE Main, Suite E Lewistown, MT 59457-2020 Phone: 406-538-7459

Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

**MISSOULA** 

1610 S. Third St. W., Suite 103

PO Box 5004

Missoula, MT 59806-5004 Phone: 406-721-4284

Granite, Mineral, Missoula, and Ravalli Counties

The Montana Water Court is currently adjudicating all Statements of Claim. For the current status of the claim(s) specified on the ownership update or if you have questions for the Water Court, call 1-800-624-3270 (in state) or 406-586-4364.

# http://dnrc.mt.gov/wrd/default.asp

FILING FEE: \$50.00 for one water right and \$10.00 for each additional right up to a maximum of \$300.00.